

Microsoft Teams Virtual Meeting  
Call In: 1-802-828-7667  
Conference ID: 572 936 007#

DRAFT MEETING MINUTES

**Working Group (WG) Members Present:**

**Lynn Currier-Stanley**, Vermont Chapter of the National Association of Social Workers (NASW), **Cammie Naylor**, Vermont Legal Aid (VLA) Designee, **Heather Lynn**, Vermont School Boards Association (VSBA), Attorney; **Sarah Robinson**, Vermont Network Against Domestic & Sexual Violence, Deputy Director; **Xusana Davis**, Executive Director of Racial Equity; **Rebecca McBroom**, Vermont-NEA, General Counsel; **Chelsea Myers**, Vermont Superintendents Association (VSA), Associate Executive Director; **Jay Nichols**, Vermont Principals' Association (VPA), Executive Director; **Henri Sparks (Sparks)**, Harassment, Hazing, and Bullying Prevention Advisory Council (HHB), Chair; **V Pearson**, Outright VT, Director of Organizing; **Amanda Garces**, Vermont Human Rights Commission (HRC), Director of Policy, Education and Outreach; and **Heather Bouchey**, AOE, Interim Secretary of Education.

**AOE:** Maureen Gaidys, Tracy Watterson, Meghan Laird.

**Members of the public/others:** Big Hartman, Gail Zatz, Jeff Francis.

**Call to Order/Introductions Roll Call/Amendments to Agenda**

Davis called the meeting to order at 9:02 a.m. Garces welcomed Big Hartman, the new Executive Director of the Human Rights Commission. Cammie Naylor introduced herself and announced that she is replacing Rachel Seelig as the VLA Designee. Gail Zatz, National Association of Social Workers and Network Against Sexual Violence, introduced herself and said she will try to attend as many meetings as possible.

**Approval of Draft Minutes from the August 28, 2023**

Nichols moved to approve the meeting minutes; Garces seconded the motion. The vote passed with one abstention. Naylor abstained as she was not present at the last meeting.

**Public to be Heard**

There were no members of the public to be heard.

Davis offered an icebreaker where members shared something that they wished they did more often.

## Compulsory Attendance

Garces asked about available data. Davis recapped the five major points from the last meeting: 1) modifying statutory language to clarify that Hazing, Harassment and Bullying Prevention (HHB) is a valid reason for being unable to attend school and clarifying who is able to determine whether/if a student is unable to attend, 2) possibility of additional guidance on formal policies in place so implementation is clear and consistent, 3) having resources for schools to implement new mandates, 4) more trust building, and 5) data reporting improvements related to compulsory attendance. Bouchey offered to try and obtain data on chronic absenteeism and related topics but said that might not be possible in time for the October 2, 2023, meeting. She added that there are several different ways to collect this data. She also offered to walk through the [Vermont Education Dashboard](#) and explain what it shows on absenteeism. There was discussion on data collected and uniformity of districts, adding attendance and absenteeism to the discussion on October 2, sharing the link to the dashboard in advance, need to be careful about what happens if schools do all they can and student still does not feel safe, being conscious of unintended consequences, being clear on what “safe” means, addressing respondent vs. complainant, where the responsibility lies for assessing safety, individual responses to systemic issues typically does not resolve the issue, mechanisms for ensuring safety, operationalizing legal requirements, solution is not increasing school exclusion, all students’ right to a Free Appropriate Public Education (FAPE), complicated set of parameters that is very nuanced, exclusionary discipline is never the answer for the best educational practice, and lack of differentiated response for both complainants and respondents.

Davis noted that the discussion focused on an appropriate school response, other responsible entities that are untapped, and how to approach/interpret/balance the concept of safety. She reminded the WG that they are tasked with coming up with some concrete recommendations of compulsory attendance. She asked how best to proceed. There was discussion on exploring truancy separate from compulsory attendance, best way to serve the complainant, local decision options for respondents, work targeting these two sets of students (complainants and respondents), not penalizing parents for working in this space with truancy charge, school refusal, big decisions with significant implications, work must be thoughtful and assigned to a smaller group, schools need to have better working relationships with agencies, safety planning and monitoring of such plans, need to hear and learn from voices of students and families, need to think about how we re-work the solution, and address the power and balance relationships in schools.

Davis asked if an inventory of what schools are doing is needed or already available. Nichols said he has surveyed school administrators on pros, cons and resources needed in the current system and he will share that once the collection is complete. Thomas-Lynn asked for better understanding of how changing the expectations would provide an additional layer of either visibility, protection, or something else. Pearson suggested that this is one small piece of the issues to be addressed and suggested a smaller group develop some language around this and bring it back to the full WG and that we move on to the next agenda item. Robinson responded and said the question is how the current policies around attendance contribute to or further harm of victims of HHB.

Davis asked for volunteers to be part of the smaller group to look at issues related to compulsory attendance and to come back to the full WG with recommendations. Bouchey, Pearson, and Garces volunteered. Davis asked for the smaller group to advise Davis or

Currier-Stanley of their work plan. Currier-Stanley offered to assist with reaching out for student and family input. There was discussion on who waives the privacy right, if/how often this happens, communication, policy and procedures around investigation and information shared, generally requests to share information are declined.

### **Severe and Pervasive Standard**

Garces and Robinson shared a slideshow presentation titled, "[Severe or Pervasive Standard in Harassment](#)" and offered that Big Hartman was present for legal support on this topic. The presentation covered an Overview, Severe or Pervasive Standard (case law and unresolved questions), Standard in Current Vermont Law and Policy (V.S.A. Title 16 §570(f), HHB Model Policy), Concerns Heard, and Potential Policy Options.

There was discussion on the General Assembly's understanding of severe and pervasive and multiple references to it in statute, in addition to severe and pervasive it also needs to substantially and adversely affect the targeted student's equal access to school, this is hard to show, and different standards for employees/public accommodations and students.

Garces shared a video clip from [Made Here - I Am From Here](#) (season 12, episode 4), a show that is airing on PBS through the end of October, and was created by the VT-NEA and the Education Equity Alliance, that demonstrated years of systemic racism and its impact on victims.

Davis reminded the WG that they are tasked with making recommendations to the legislature on this standard and asked for input on how to proceed. There was discussion on the educational outcome piece of this standard, treating students and adults differently, focusing on the specific charge, and preventing students from being further victimized.

Davis apologized for ending the productive conversation and asked members to send comments via the Teams chat or email to be discussed further at another meeting.

### **Other**

Davis invited any members of the public to speak. There were none.

Davis reminded the WG that the next meeting is September 25, 2023 and the meeting following that will be on October 2, 2023.

Davis asked that any other WG members interested in participating in the small group on compulsory attendance to advise of their interest. At the October 2 meeting, Interim Secretary Bouchey will share data on the Vermont Education Dashboard. The Severe and Pervasive standard discussion was cut short and WG members were encouraged to send any questions for follow-up comments to Davis or Currier-Stanley. Any questions on the presentation could be directed to Garces, Robinson or Davis.

### **Adjourn**

The meeting adjourned at 10:58 a.m.

Meeting Minutes recorded by: Heather Bouchey.